

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

GARY T. WINNETT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
CATERPILLAR INC.,	)	
	)	Case No. 3:06-cv-00235
Defendant/Third-Party Plaintiff,	)	
	)	Hon. Aleta A. Trauger
v.	)	
	)	Mag. Judge Joe B. Brown
INTERNATIONAL UNION, UAW, et al.	)	
	)	
Third-Party Defendants.	)	

**MOTION FOR LEAVE TO FILE *INSTANTER*  
CATERPILLAR'S REPLY TO UAW AND PLAINTIFFS' OPPOSITION TO  
MOTION FOR CERTIFICATION OF FINAL JUDGMENT**

Defendant Caterpillar Inc., pursuant to Local Rule 8(b)(3), requests leave to file *instante* the attached Reply Memorandum in Support of its Motion for Certification of Final Judgment. Caterpillar seeks leave to file this Reply Memorandum in response to the arguments raised by Plaintiffs and the UAW in their Opposition to Caterpillar's Motion for Certification of Final Judgment, which was filed on June 2, 2011.

WHEREFORE, Caterpillar requests leave to file *instante* the attached Reply Memorandum in Support of its Motion for Certification of Final Judgment.

Respectfully submitted,

CATERPILLAR INC.

By: s/ Joseph J. Torres  
One of Its Attorneys

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### **CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Defendant Caterpillar Inc., hereby certifies that on June 21, 2011, a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE *INSTANTER* CATERPILLAR'S REPLY TO UAW AND PLAINTIFFS' OPPOSITION TO MOTION FOR CERTIFICATION OF FINAL JUDGMENT was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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